

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOBBUSHA DURANT PRATT,

Case No. 1:21-cv-01608-NONE-SKO

Plaintiff,

v.

**ORDER DENYING MOTION WITHOUT
PREJUDICE AND DIRECTING
PLAINTIFF TO FILE APPROPRIATE
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE**

HERLINDA YANDEZ, et al.,

(Doc. 2)

Defendants.

30-DAY DEADLINE

Plaintiff Tobbusha Durant Pratt, a prisoner proceeding *pro se*, filed a complaint on November 4, 2021, along with a “Fee Waiver Request.” (Docs. 1, 2.) The “Fee Waiver Request” is a form utilized by the Board of Immigration Appeals and does not provide adequate information for the Court to determine at this time whether Plaintiff is entitled to proceed without prepayment of fees in this action. The appropriate form for this Court is the “Application to Proceed in Forma Pauperis by a Prisoner,” and requires Plaintiff to provide the Court, among other information, a certified copy of his trust fund account statement (or institutional equivalent), including the supporting ledger sheets, for the six-month period immediately preceding the filing of this complaint, obtained from the appropriate official of each prison at which Plaintiff is or was confined. 28 U.S.C. § 1915(a)(2). After submission of the trust fund information, the Court will determine

1 Plaintiff's ability to pay the \$350.00 filing fee required by federal law in one payment. If the Court
2 determines that Plaintiff does not have sufficient funds to pay the filing fee at one time, the Court
3 will assess an initial partial filing fee. After payment of the initial filing fee, monthly payments of
4 twenty percent of the deposits made to Plaintiff's trust fund account during the preceding month
5 will be forwarded to the Clerk of the Court each time the account balance exceeds \$10.00. Payments
6 will continue until the filing fee is paid.

7 As set forth above, because Plaintiff did not file the form that complies with the specific
8 informational requirements for affidavits submitted pursuant to 28 U.S.C. §1915(a)(1), including a
9 certified copy of his trust account statement showing transactions for the past six months, the Court
10 is unable to determine if Plaintiff is entitled to proceed without prepayment of fees in this action.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Plaintiff's "Fee Waiver Request" (Doc. 2) is DENIED without prejudice; and
- 13 2. **Within thirty (30) days of the date of service of this order, Plaintiff shall file an**
14 **"Application to Proceed in Forma Pauperis by a Prisoner," a copy of which is**
15 **attached to this Order,** that includes the information described above.

16 Alternatively, Plaintiff may pay the full \$402.00 filing fee for this action. **Failure**
17 **to comply with this order will result in the recommendation that this action be**
18 **dismissed.**

19
20 IT IS SO ORDERED.

21 Dated: **November 5, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE